CITY OF OCEANSIDE
WATER UTILITIES DEPARTMENT

December 2, 2010

Mr. David Gibson, Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Re: Comments on Tentative Order No. R9-2010--0120
NPDES CA0107433

Dear Mr. Gibson:

Thank you for the opportunity to comment on Tentative Order No. R9-2010-0120 (NPDES CA0107433). This letter presents the City of Oceanside's general comments on the Tentative Order, as well as specific requests for revisions within the Order.

REC-1 Receiving Water Standards

As a general comment, the City of Oceanside disagrees with the interpretation that the Basin Plan designates body contact (REC-1) beneficial uses throughout all depths of the State-regulated three mile limit. It is the City's belief that the Regional Water Board's intent in approving the current 1994 version of the Basin Plan (as well as past versions) was that the REC-1 beneficial use designation applied to marine waters within 1000 feet of the shore, within the 30-foot contour, and within designated kelp beds - not within all depths of all State-regulated waters. The past 35-year history of NPDES permits issued by the Regional Water Board for Region 9 ocean outfall dischargers is consistent with this interpretation.

Imposing the REC-1 receiving water bacteriological standards to deep offshore waters could result in significant economic and operational impacts to the City without creating any benefit to beneficial uses or improvement to marine water quality. While the City will comply with specific compliance schedule tasks presented within Provision VI.C.7 of the Tentative Order, the City also intends to coordinate with other Region 9 dischargers to seek resolution of this REC-1 compliance issue on a regional or state-wide basis.

Imposition of Ocean Plan Table A Effluent Limitations on MBDF Discharge

Effluent Limitation IV.A.1.b of the Tentative Order applies Ocean Plan Table A effluent standards to the brine discharge from the City's Mission Basin Desalting Facility (MBDF). Because of non-compliance with the Table A turbidity requirements, Tentative Time Schedule Order No. R9-2010-0148 proposes a time schedule requiring compliance with the turbidity requirements by December 1, 2015.

No relevant changes to the Ocean Plan Table A requirements have occurred since the MBDF was constructed in the 1990s. Rather than being caused by a change in regulations, it is our

understanding that the imposition of Table A standards to the MBDF discharge is the result of a reinterpretation of long-standing requirements. This reinterpretation could significantly and adversely affect City of Oceanside water supply operations.

During the 1990s, the City developed the MBDF concept and design on the basis of input received from Regional Water Board staff. At that time, we were informed that the combined City of Oceanside discharge would be subject to the Table A standards. Had the City been made aware in the 1990s that the Table A standards would apply to the individual MBDF discharge, the City would have been able to incorporate cost-effective modifications to the MBDF design to address the Table A standards. Now that the MBDF has been operational for more than a decade, however, requiring the City to retrofit MBDF facilities to address the Table A standards represents a significant and adverse economic impact to the City - an impact that is not offset by any benefit to beneficial uses or measurable degree of improvement in receiving water quality.

Combined Discharge Flow Limitation

Discharge limitation III.G prohibits combined discharges to the Oceanside Ocean Outfall (OOO) from exceeding 22.6 mgd until the Regional Water Board approves an increase in flow per Provision VI.C.5.a.1 of the Tentative Order. Provision VI.C.5.a.1 of the Tentative Order addresses actions required by the City to request a flow increase upon completion of proposed outfall cleaning operations.

The City requests that Discharge Limitation III.G and Special Provision VI.C.5.a.1 of the Tentative Order be modified to reflect the fact that OOO capacity can be increased through (1) proposed outfall cleaning, and/or (2) replacement of the 15-inch-diameter meter section of the OOO at the LSWTP site. As documented in the Tentative Order, capacity of the OOO can be increased by 0.8 mgd (from 22.6 mgd to 23.4 mgd) with implementation of the outfall cleaning operations addressed in Special Provision VI.C.5.a.i of the Tentative Order. As documented within Attachment 1 of the City's February 2010 Report of Waste Discharge, capacity of the OOO can further be increased by replacing a 15-inch-diameter meter section of the OOO (located at the LSWTP site) that currently acts as a "choke point" constricting OOO flows. In the absence of outfall cleaning, replacing the meter section prior to cleaning can increase the OOO capacity by 0.5 mgd (from 22.6 mgd to 23.1 mgd). Outfall cleaning in combination with the meter section replacement would increase the OOO capacity to 24.4 mgd. It is noteworthy that the hydraulic effect of performing both actions (outfall cleaning and meter section replacement) increases OOO capacity above the additive value of performing the actions individually.

To address outfall capacity improvements through replacement of the constricting meter section of the OOO, it is also requested that Discharge Prohibition III.G and Provision VI.C.5.a.1 of the Tentative Order be modified as follows:

III. DISCHARGE PROHIBITION

G. Combined Effluent (discharge of waste from SLRWRF, LSWTP, MGBDF, Genentech, Fallbrook Public Utility District, and US Marine Corps Camp Pendleton) in excess of an average monthly flow rate of 22.6 MGD through the OOO at Discharge Point No. 001 (Monitoring Location M-005, as specified in Attachment E of this Order) is prohibited until written notification is provided by the San Diego Water Board stating that the Combined Effluent flow to the OOO has been increased to reflect additional capacity provided through outfall cleaning and/or replacing the constricting 15-inch meter section of the OOO. ~~to an average monthly flow rate of~~

~~23.4 MGD. Once written notification has been provided to the Discharger by the San Diego Water Board, Combined Effluent through the OOO at Discharge Point No. 001 (Monitoring Location M-005 as specified in Attachment E of this Order) in excess of an average monthly flow rate of 23.5 MGD is prohibited.~~

Written notification to increase the allowable flow rate for the OOO from 22.6 MGD to up to 24.4~~23.4~~ MGD shall only be granted by the San Diego Water Board Executive Officer when the requirements of Section VI.C.5.a.i of this Order Have been achieved and the San Diego Water Board Executive Officer concludes that ~~available~~ effluent capacity through the OOO is available and properly certified.

VI. PROVISIONS

5. Special Provisions for Wastewater Facilities (POTWs Only)

a. Oceanside Ocean Outfall Capacity

i. Discharges to the OOO are limited to 22.6 MGD based on the available capacity of the OOO at the time of drafting this Order. The Discharger has reported that by cleaning the OOO, the capacity of the OOO will increase by 0.8 MGD above the current capacity to 23.4 MGD. If the outfall cleaning is not implemented, the Discharger reports that replacing a constricting 15-inch-diameter meter section of the land portion of the OOO at the LSTWP site will increase the OOO capacity by 0.5 MGD above the current capacity. Implementing both the outfall cleaning and meter section replacement will have a cumulative effect on outfall capacity, and would increase the OOO capacity by 1.8 MGD to 24.4 MGD. This Order prohibits the discharge of wastes through the OOO from LSRWRF, SLWTP, Genentech, Fallbrook Public Utility District, and US Marine Corps Camp Pendleton in excess of 22.6 MGD based on the current reported capacity of the OOO. The Discharger may obtain written authorization from the San Diego Water Board under this Order to discharge up to 23.4 MGD if the following conditions are met:

(a) The Discharger submits documentation demonstrating that the OOO has been cleaned and the OOO has sufficient capacity for 23.4 MGD of waste; and

(b) The Discharge submits a certified statement signed by a California Licensed Engineer that states that the capacity of the OOO is at least 23.4 MGD.

The Discharger may obtain written authorization from the San Diego Water Board under this Order to discharge up to 23.1 MGD if the following conditions are met:

(a) The Discharger submits documentation demonstrating that the 15-inch-diameter meter section has been replaced, and the OOO has sufficient capacity for 23.1 MGD of waste; and

(b) The Discharge submits a certified statement signed by a California Licensed Engineer that states that the capacity of the OOO is at least 23.1 MGD.

The Discharger may obtain written authorization from the San Diego Water Board under this Order to discharge up to 24.4 MGD if the following conditions are met:

(a) The Discharger submits documentation demonstrating that the OOO has been cleaned, the 15-inch-diameter meter section has been replaced, and the OOO has sufficient capacity for 24.4 MGD of waste; and

(b) The Discharge submits a certified statement signed by a California Licensed Engineer that states that the capacity of the OOO is at least 24.4 MGD.

SLRWRF Flow Limitation

As noted in the Facility Description portion of the Fact Sheet (Fact Sheet Section II.A, pages F-5 and F-6), the maximum 30-day capacity of the SLRWRF is 15.4 mgd, and capacity of the SLRWRF on an average annual basis is 13.5 mgd. These capacities are documented in the "Project Performance Certification Report, January 2007" previously submitted to the Board. To not exceed the capacity of the SLRWRF land outfall, Discharge Prohibition III.D of the Tentative Order limits the discharge of wastes from the SLRWRF to a monthly average flow of 13.5 mgd.

As documented in the City's February 2010 Report of Waste Discharge, the SLRWRF features 30 million gallons of onsite wastewater storage. With this storage, it is currently possible for the SLRWRF to treat monthly average flows in excess of 13.5 mgd, while limiting the SLRWRF discharge to the OOO to less than 13.5 mgd.
Additionally, the City is planning improvements to the land outfall that will increase the capacity of the land outfall to accommodate the 15.4 maximum 30-day capacity of the SLRWRF. To address the City's currently ability to treat more than 13.5 mgd at the SLRWRF using onsite storage, and to address planned improvements to the capacity of the land outfall, it is requested that Discharge Prohibition III.D be modified as follows:

III. DISCHARGE PROHIBITIONS

D. The discharge of wastes from the SLRWRF to the OOO in excess of a monthly average effluent flow of 13.5 MGD is prohibited until written notification is provided by the San Diego Water Board stating that the allowable SLRWRF discharge flow has been increased to 15.4 MGD. Written notification to increase the allowable monthly average SLRWRF discharge flow from 13.5 MGD to 15.4 MGD shall only be granted by the San Diego Water Board Executive Officer when San Diego Water Board Executive Officer concludes that the Discharger has implemented capacity improvements to the land outfall and has sufficiently documented the ability of the land outfall to handle 15.4 MGD of flow.

Facility Information

To be consistent with the OOO and SLRWRF flow modifications described above, it is requested that the permitted flow information within Table 4 (page 4 of the Tentative Order) be modified as follows:

Facility Permitted Discharge Flow Rate (average monthly flow)	• San Luis Rey Water Reclamation Facility (SLRWRF) - 13.5 million gallons per day (MGD) discharge to the Oceanside Ocean Outfall; however, the permitted discharge to the outfall may be increased to 15.4 MGD if planned improvements to the SLRWRF land outfall are implemented and written authorization is obtained from the San Diego Water Board. • La Salina Wastewater Treatment Plant (LSWTP) - 5.5 MGD • Mission Basin Desalting Facility(MBDF) - 2.0 MGD • Combined discharge to the Oceanside Ocean Outfall, including discharges from the SLRWRF, LSWTP, MBDF, Genentech, Fallbrook Public Utility District (PUD), and US Marine Corps Camp Pendleton[1] - 0 22.6 MGD; however, the permitted combined discharge flow rate to the Oceanside Ocean Outfall from the SLRWRF, LSWTP, MBDF~~BMGPF~~, Genentech, Fallbrook Public Utility District, and US Marine Corps Camp Pendleton may be increased up to ~~23.4~~ 24.4 MGD if written authorization is obtained from the San Diego Water Board pursuant to section VI.C.5.a.i of this Order.

1 Discharges from Genentech, Fallbrook PUD, and the US Marine Corps Camp Pendleton to the Oceanside Ocean Outfall are regulated under separate waste discharge requirements/NPDES permits.

Surf Zone Monitoring

Receiving Water Monitoring Requirement VIII.A.1 requires repeat sampling within 24 hours when any single sample exceeds the REC-1 bacteriological requirements. This requirement is reasonable if there is any potential for the exceedance to be caused by the outfall discharge. While periodic exceedances have occurred at the surf zone stations, monitoring data at the nearshore ("N") stations have consistently confirmed that the shore exceedances result from storm runoff or dry-weather runoff. Requiring repeat monitoring of exceedances of shore stations during storm periods provides no valuable information as such repeat monitoring:

- would indicate repeat non-compliance due to storm conditions,
- would not provide information useful in determining compliance of the outfall discharge, and
- would not provide information useful in determining the source of the storm runoff pollution.

The County of San Diego Department of Environmental Health issues a 72 hour General Advisory for coastal waters due to contamination from urban runoff following a rain event of greater than 0.2". The levels of bacteria can rise significantly after a significant rain event and repeat samples taken during a General Advisory will not provide any meaningful information regarding contamination originating from the ocean outfall discharge. The following excerpt is taken from the San Diego County 2006 Beach Closure & Advisory Report

> *During and after a significant rainstorm event, storm drains, creeks and rivers carry floodwaters and urban runoff (which may include fertilizers, road oils, litter and large amounts of bacteria from a variety of sources such as animal waste and decomposing vegetation) directly to ocean and bay waters. The levels of*

bacteria can rise significantly in ocean and bay waters, especially near storm drains, creeks, rivers and lagoon outlets that discharge urban runoff during and after rainstorms. To ensure that public health is protected, the DEH Ocean & Bay Recreational Water Program staff issue a General Advisory to avoid all ocean or bay water contact for 72 hours (three days) after a significant rain (greater or equal to 0.20"). Elevated bacterial levels in the coastal ocean waters may continue for a period of three days depending on the intensity of the rain and the volume of runoff.

Because no practical use exists for repeat sampling of storm-related exceedances, it is requested that the second paragraph of Monitoring Requirement VIII.A.1 be modified as follows:

If a single sample exceeds any of the single sample bacterial standards, repeat sampling at that location shall be conducted to determine the extent and persistence of the exceedance. ~~Repeat sampling shall be conducted within 24 hours of receiving analytical results and continued until the sample result is less than the single sample bacterial standards or until a sanitary survey is conducted to determine the source of the high bacterial densities~~. If analytical results exceeding the single sample bacterial standards are received during a 72 hour General Advisory issued by the County of San Diego Department of Environmental Health (DEH) the repeat sampling shall be conducted within 24 hours after the end of the General Advisory period and continued until the sample result is less than the single sample bacterial standards or until a sanitary survey is conducted to determine the source of the high bacterial densities. During all other times, repeat sampling shall be conducted within 24 hours of receiving analytical results and continued until the sample result is less than the single sample bacterial standards or until a sanitary survey is conducted to determine the source of the high bacterial densities

Effluent Monitoring

Table E-5 (page E-7) of Monitoring and Reporting Program No. R9-2010-0120 requires quarterly monitoring of the combined discharge (Monitoring Location M-004) for most Ocean Plan Table B constituents for the protection of aquatic life, and semiannual monitoring for most Table B constituents for the protection of human health.

As demonstrated by past City of Oceanside monitoring, many of the constituents for which quarterly monitoring is proposed have not been detected within the combined effluent during the past five years. Because no reasonable expectation exists that such previously non-detected constituents will be present in the City's outfall discharge, it is requested that Table E-5 be revised to require semiannual monitoring for constituents listed below in the following RPA summary table (excerpted from Table F-10 of the NPDES Fact Sheet):

Excerpt from RPA Summary from Table F-10 of NPDES Fact Sheet

Constituent	Unit	Number of RPA Data Points	Highest Single Result	Most Stringent Criteria	Minimum Level (ML)	RPA
Arsenic	µg/L	21	DNQ 5	440	10	2
Cadmium	µg/L	21	ND	88	10	2
Chromium	µg/L	21	DNQ 2.1	180	10	2

Copper	µg/L	21	DNQ 4.4	90	10	2
Lead	µg/L	21	5.8	180	5	2
Mercury	µg/L	21	ND	3.5	0.2	2
Nickel	µg/L	21	27	440	20	2
Selenium	µg/L	21	DNQ 9.9	1300	10	2
Silver	µg/L	21	DNQ 8.8	48	10	2
Zinc	µg/L	21	36	1100	20	2
Cyanide	µg/L	21	60	88	5	2
Phenolic Compounds	µg/L	25	DNQ 2.7	2600	5	2
Chlorinated Phenolics	µg/L	25	DNQ 1.2	88	5	2
Endosulfan	µg/L	25	DNQ 0.005	0.79	0.05	2
Endrin	µg/L	25	0.03	0.18	0.01	2
HCH	µg/L	25	0.0092	0.35	0.005	2
Chronic Toxicity	TUc	21	44.4	88		2

DNQ – Detected, but Not Quantified. Result is an estimated concentration.

Please call me if you have any questions of need any additional information. Thank you for your consideration.

Sincerely,

Mark Anderson
Wastewater Division Manager